

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

April 9, 1997

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is not a fundamental right. In Nebraska, our court has not made the declaration, and our constitution does not make the declaration that education is a fundamental right. The third point I guess I would make is, as a legislator in the legislative branch, I am not fearful of having my decisions reviewed in court. I think that's an appropriate vehicle. If we are so bad in here, in the Legislature, that we do not have a fair funding formula, if we are denying people the access to a basic education, I don't fear that. I don't fear it going to court, and I don't know what Senator Witek fears about these matters being brought to court. I would point out the political context of the Gould decision was, although I don't think it was stated in the decision, the fact is that the matter was brought to trial under the previous state aid formula. We changed it, LB 1059 passed. I know the Attorney General's Office argued the Legislature had handled the problems of any unfair treatment that citizens were receiving. So I'm then confident that the Legislature here in Nebraska will continue to do the right thing as it relates to school finance, and I certainly don't fear, as Senator Witek appears to, the courts looking at our activity and applying constitutional standards against those. I think it's appropriate, as a member of this Constitutional Revision Commission, that the Nebraska Constitution have, in fact, an equal protection clause in the constitution and I would urge you to pass on this constitutional amendment to Final Reading and then pass it on to the voters.

PRESIDENT ROBAK: Thank you, Senator Withem. Senator Witek.

SENATOR WITEK: Thank you, Madam Chairman, members of the body, I have no fear of these court cases, I'm simply trying to point out that they will occur, they will be very expensive and very time-consuming for those school districts and possibly for the state if we get in them. In Tennessee, they ruled that the state funding of public school systems violated equal protection provisions of the state constitution. It said nothing about fundamental right language. I can't say that they don't have the fundamental right language, I don't know. But I can check on that. That was just something that they had thrown in for extra on 411 and 412, but this case was strictly around the equal protection provisions of the state constitution in Tennessee, and they sought the judgment on the findings that the